

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
UNIVERSAL TRUCK & EQUIPMENT)	
COMPANY, INC., NEW LONDON MINING,)	
MANUFACTURING & PROCESSING, LLC,)	
NICHOLAS E. CAMBIO, VINCENT A.)	
CAMBIO, and NICHOLAS E. CAMBIO,)	
as Trustee of THE NICHOLAS E.)	
CAMBIO, RODNEY A. MALAFRONTA AND)	
VINCENT A. CAMBIO TRUST,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 10-466 S
)	
CATERPILLAR, INC., et al.,)	
)	
Defendants,)	
)	
and)	
)	
CATERPILLAR FINANCIAL SERVICES)	
CORPORATION and)	
SOUTHWORTH-MILTON, INC.,)	
)	
Defendants and)	
Plaintiffs-in-)	
Counterclaim.)	
_____)	

Order

WILLIAM E. SMITH, United States District Judge.

On April 30, 2013, this Court held a hearing on Defendant Caterpillar, Inc.'s ("Caterpillar") Second Motion For Contempt for Plaintiffs' Failure to Comply with Court Orders. (ECF No. 110.) At the conclusion of the hearing the Court announced its ruling from the bench. This Order is designed to adopt the affidavits filed by

Caterpillar specifying its attorneys' fees and memorialize the Court's ruling at the hearing.

This saga began with the Court's Order of March 21, 2012, (ECF No. 71), that awarded Caterpillar its attorneys' fees and costs in connection with its Motion to Compel Responses to Interrogatories. Plaintiffs paid only half the amount awarded and the Court granted Caterpillar's Motion to Compel Payment of the remaining amounts on July 13, 2012. (ECF No. 92.) The Court also awarded Caterpillar its attorneys' fees in connection with this motion. These amounts went unpaid, and Caterpillar filed a motion to find Plaintiffs in contempt for their failure to follow court orders. Plaintiffs requested an additional thirty (30) days to pay the amounts owed, citing several pending transactions that would allow them to pay within that time period. The Court granted Plaintiffs the additional thirty days to pay the amounts owed, but awarded Caterpillar its attorneys' fees and costs in connection with its motion. (ECF No. 104.)

Plaintiff failed to comply with these Court orders and Caterpillar filed its second motion to adjudge Plaintiffs in contempt. The Court determined that Plaintiffs were intentionally flouting the Court's authority and Plaintiffs were ordered to pay all outstanding amounts within one week of the hearing. Included in this amount are Caterpillar's costs and attorneys' fees associated with its second motion for contempt. If Plaintiffs fail to pay the outstanding amounts within the allotted time, a penalty of \$100 per day would

accrue until Plaintiffs paid all amounts owed to Caterpillar. Additionally, if Plaintiffs failed to pay, they would be required to submit complete financial disclosures, in a form determined by Caterpillar, to the Court within two weeks of the hearing.

Caterpillar submitted affidavits specifying its attorneys' fees and costs in connection with each of its motions for contempt. No objection has been filed to the fees set forth in these affidavits, and the Court finds that the fees are reasonable. Therefore, Plaintiffs are ordered to pay Caterpillar \$14,211.46, as outlined below.

Amount awarded in initial Order (March 21, 2013)	+	\$8,792.10
First amount remitted	-	\$4,396.05
Attorneys' fees and costs associated with Motion to Compel Payment (Aug. 9, 2012)	+	\$1,260.00
Attorneys' fees and costs associated with First Motion for Contempt (Dec. 14, 2012)	+	\$2,070.00
Attorneys' fees and costs associated with Second Motion for Contempt	+	\$6,985.41
Second amount remitted	-	\$500.00
Total:		\$14,211.46

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
Date: May 8, 2013